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Attorneys for Defendants
Translucence Research, Inc., Benjamin Fisch,
Charles Lu, and Nathan McCarty

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TEMUJIN LABS INC., a Delaware
corporation, and TEMUJIN LABS INC., a
Cayman Islands corporation

Plaintiffs,

vs.

TRANSLUCENCE RESEARCH, INC., a
Delaware corporation, BENJAMIN FISCH,
CHARLES LU, BENEDIKT BÜNZ,
NATHAN MCCARTY, FERNANDO
KRELL, PHILIPPE CAMACHO CORTINA,
BINYI CHEN, AND LUOYUAN (ALEX)
XIONG, and DOES 1-20,

Defendants.

CASE NO. 4:21-cv-09152-JST

**DECLARATION OF EDWARD HAN IN
SUPPORT OF DEFENDANTS' MOTION
TO DISMISS COMPLAINT, OR IN THE
ALTERNATIVE, TO STAY CASE**

Date: May 5, 2022
Time: 2:00 p.m.
Courtroom: Courtroom 6 - 2nd Floor
Judge: Hon. Jon S. Tigar

Complaint Filed: November 24, 2021

1 I, Edward Han, declare as follows:

2 1. I am an attorney duly admitted to practice before this Court. I am an attorney with
3 the law firm of Paul Hastings LLP, counsel of record for Defendants Translucence Research, Inc.,
4 Benjamin Fisch, Charles Lu, and Nathan McCarty (collectively “Defendants”). I submit this
5 declaration in support of Defendants Motion to Dismiss Plaintiffs’ Complaint, or in the
6 Alternative, to Stay the Case, and in furtherance and accordance with Defendants’ Request for
7 Judicial Notice of the exhibits identified and attached hereto. I have personal knowledge of the
8 facts set forth in this declaration and, if called and sworn as a witness, could and would testify
9 competently thereto under oath.

10 2. Attached hereto as Exhibit A is a true and correct copy of the “Complaint for
11 Declaratory Relief, Civil Conspiracy, Tortious Interference, Breach of Contract, Trade Secret
12 Misappropriation under Cal. Civ. Code §§ 3426 *et seq.*, Violation of Cal. Penal Code 502(C),
13 Conversion, Breach of Fiduciary Duty, and Damages and Injunctive Relief,” which was filed on
14 November 6, 2020 in Santa Clara County Superior Court in *Temujin Labs, Inc. v. Abittan, et al.*,
15 Case No. 20-CV-372622 (“State Court Action”).

16 3. Attached hereto as Exhibit B is a true and correct copy of the “First Amended
17 Complaint for Declaratory Relief, Civil Conspiracy, Tortious Interference, Breach of Contract,
18 Trade Secret Misappropriation under Cal. Civ. Code §§ 3426 *et seq.*, Violation of Cal. Penal
19 Code 502(C), Conversion, Breach of Fiduciary Duty, and Damages and Injunctive Relief,” which
20 was filed on January 21, 2022 in the State Court Action.

21 4. Attached hereto as Exhibit C is a true and correct copy of the “Complaint for 1.
22 Trade Secret Misappropriation and Misuse under Cal. Civ. Code §§ 3426 *et seq.*, 2. Trade Libel,
23 3. Intentional Interference with Contractual Relations, 4. Intentional Interference with Prospective
24 Economic Advantage, 5. Unfair Competition under Cal. Bus. & Prof. Code §§ 17200 *et seq.*, 6.
25 Civil Conspiracy, 7. Declaratory Relief, Damages and Injunctive Relief,” which was filed on
26 November 19, 2021 in San Francisco County Superior Court in *Temujin Labs, Inc., et al. v.*
27 *Translucence Research, Inc., et al.*, Case No. CGC-21-596745.

28 5. Attached hereto as Exhibit D is a true and correct copy of “Defendant Temujin

1 Labs Inc., a Cayman Corporation’s Opposition to Plaintiff’s Motion to Stay,” which was filed on
2 January 26, 2022 in the United States District Court for the Northern District of California in
3 *Abittan v. Chao, et al.*, Case No. 5:20-cv-09340 (“Abittan Action”).

4 6. Attached hereto as Exhibit E is a true and correct copy of the “Updated Initial Joint
5 Case Management Statement and Rule 26(f) Report; [Proposed] Order,” which was filed on
6 February 2, 2022 in the Abittan Action.

7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct.

9 Executed on this 18th day of March, 2022, at Palo Alto, California.

11 _____
12 /s/ Edward Han

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